

SUPPORT FOR THE AMENDMENTS

The present amendment cancels claim 1, and adds new claims 2-17.

Support for newly added claim 2 is found at specification page 1, lines 18-30, page 2, lines 1-10, and page 26, lines 4-17, as well as original claim 1.

Support for newly added claims 3-7 is found at specification page 1, lines 19-23, page 2, lines 16-27 and 30-34, page 3, lines 1-3, page 4, lines 8 and 22-32, page 5, lines 1-6, and page 26, lines 5-8, as well as original claim 1.

Support for newly added claims 8-10 and 14-17 is found at specification page 1, lines 28-30, page 2, lines 1-4, page 8, Table 1, and page 26, lines 12-16, as well as original claim 1.

Support for newly added claims 11-12 is found at specification page 1, lines 24-27, page 5, lines 7-28, and page 26, lines 9-11, as well as original claim 1.

Support for newly added claim 13 is found at specification page 2, lines 5-10, page 5, lines 31-33, page 6, lines 1-2, and page 26, line 17, as well as original claim 1.

It is believed that these amendments have not resulted in the introduction of new matter.

REMARKS

Claims 2-17 are currently pending in the present application. Claim 1 has been cancelled, and new claims 2-17 have been added, by the present amendment.

The rejection of now cancelled claim 1 under 35 U.S.C. § 102(b) as being anticipated over Bock (U.S. Patent 6,020,419) is respectfully traversed, with respect to new claims 2-17.

New claim 2 recites a lacquer composition comprising: (1) from 5 to 99.5 wt. % of a polymer composition; (2) from 0.5 to 50 wt. % of a silanized, *structurally modified* pyrogenic silica having attached to the surface thereof one or more of the following: (a) alkylsilyl groups according to the molecular formula  $\text{SiC}_n\text{H}_{2n+1}$ , wherein n is an integer from 2 to 18; (b) dimethylsilyl groups; and (c) monomethylsilyl groups; (3) from 0 to 80 wt. % of one or more solvents; and (4) from 0 to 10 wt. % of an additive.

“Structurally modified” pyrogenic silica, as recited new claim 2, is a term well recognized in the art as meaning pyrogenic silica that has been structurally modified by a rigorous mechanical process of *ball milling* (See e.g., U.S. 2005/0244642, paragraphs [0021] and [0028]; and U.S. 2005/0241531, paragraphs [0022] and [0039]).

In contrast, Bock describes a *jet dispersion* process for producing a reagglomeration resistant, transparent coating composition comprising a binder resin and pyrogenic silica particles, which are present in an amount of from 0.5 to 25 wt. % based on the weight of the binder resin, wherein the jet dispersion process involves deagglomerating the coating composition by passing the coating composition through a nozzle (See e.g., abstract, column 2, lines 50-67, column 3, lines 1-3 and 28-33, and claims 1, 3, 4 and 10). Bock also describes utilizing pyrogenic silica that has been surface modified with hydrophobic groups, such as dimethylsilyl groups, which is marketed by Evonik Degussa under the trademark Aerosil R 972 (See e.g., column 3, lines 46-67, and claims 5 and 6).

Bock claims priority to German patent application DE 19811790, which is discussed in the present specification (See e.g., page 1, lines 8-17, page 22, lines 3-6, and page 23, lines 2-4). While Bock describes conventional surface modified pyrogenic silica, Bock fails to describe *structurally modified* pyrogenic silica, as presently claimed. Therefore, the claimed structurally modified pyrogenic silica is *fundamentally different* from the conventional pyrogenic silica described in Bock.

This fundamental difference is substantiated by the direct comparison set forth in Example 4 and Table 6 of the present specification (See e.g., pages 22-24). As evidenced by the comparative experimental data, unlike the structurally modified pyrogenic silica of the claimed lacquer composition, the conventional pyrogenic silica (i.e., Aerosil R 972) of the coating composition of Bock exhibit undesirable orange peel and low scratch resistance on the surface thereof.

As discussed in the present specification, undesirable orange peel is attributable to the conventional pyrogenic silica of the coating composition of Bock negatively affecting the rheology thereof, thereby resulting in highly flawed coating surfaces (See e.g., page 1, lines 8-17). Applicants have discovered that the structurally modified pyrogenic silica of the claimed lacquer composition of the present invention exert negligible effects on the rheology thereof, thereby resulting in high gloss transparent lacquer surfaces that do not exhibit undesirable orange peel (See e.g., page 7, lines 6-26, page 12, lines 7-13, page 24, Table 6 and lines 6-12). Applicants have also discovered that in comparison to the conventional pyrogenic silica of the coating composition of Bock, the structurally modified pyrogenic silica of the claimed lacquer composition of the present invention exhibit superior scratch resistance, as measured by the percentage of residual gloss after being subjected to surface scratching (See e.g., page 7, lines 6-26, page 12, lines 7-13, page 24, Table 6 and lines 6-12).

Therefore, the disclosure of Bock clearly fails to anticipate, or render obvious to a skilled artisan, the presently claimed invention.

Withdrawal of this ground of rejection is respectfully requested.

Applicants respectfully request that the provisional obviousness-type double patenting rejections of now cancelled claim 1 over: (1) claim 15 of copending application number 10/524,472 (U.S. 2005/0244642); and (2) claims 17 and 18 of copending application number 10/524,366 (U.S. 2005/0241531), be held in abeyance, with respect to new claims 2-17, until allowable subject matter in the present application is indicated.

The rejection of claim 1 under 35 U.S.C. § 112, second paragraph, is obviated by amendment with respect to the cancellation of said claim. Withdrawal of this ground of rejection is respectfully requested.

In conclusion, Applicants submit that the present application is now in condition for allowance and notification to this effect is earnestly solicited.

Respectfully submitted,

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